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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/318,917	05/26/1999	GERALD B. HALT JR.	HAL2-PT001.1	2067

3624 7590 06/20/2003

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EXAMINER

LEWIS, CHERYL RENE A

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/318,917

Applicant(s)
Halt

Examiner
Cheryl Lewis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 24, 2003, paper no. 13 and 14.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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III. DETAILED ACTION

Response to RCE

1. This Office action is in response to the applicant's communication received on March 24, 2003, paper no 13 and 14.
2. Claims 1-6 are presented for examination. Applicant has cancelled claim 7, Amendment C filed on June 21, 2002, paper no. 10.
3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn to 37 CFR 1.114. Applicant's submission filed on March 24, 2003 has been entered paper no. 14, and a non-final Office action, paper no. 15 as stated below.

Response to Arguments

4. (A) The applicant argues that "...the claimed invention (see claim 1, lines 1-3) is directed to the "tailoring of a web page to an individual user without requiring a user to disclose information that *identifies the user*." (Emphasis added.) Hartman, in contrast, is specifically related to a server that receives purchaser provided information related to not only

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the purchaser, but also the purchaser's payment and shipping information...', page 3, lines 11-15.

(A1) In response to the above recited argument. The Examiner believes that Hartman (5,960,411) teaches a tailored web page to an individual user without requiring a user to disclose information that identifies the user. Hartman comprises a cookie, wherein the cookie provides customized web content. A cookie is stored locally in a preference file by a browser. The stored preference file contains a unique client identifier and customized or preference information with regard to the customer of the client system. Also, the browser is also stored on the client system. Further, a cookie can store preference information about the user that is collected by the web server based on the user's browsing choices. This process of collecting information about the user's preferences is performed automatically, without requiring manual input of personal information from the user.

(A2) Again, in response to the above recited argument. The examiner respectfully disagrees with the applicants' argument. Yes, the applicant is correct that Hartman discloses a method and system for making a purchase over a communications network such as the Internet. However, Hartman further discloses a tailored website so that information contained therein may be conveniently viewed by a user. Hartman teaches a method and system for placing an order to purchase an item via the Internet. The order is placed by a purchaser at a client system and received by a server system (Abstract, lines 1-3). The purchaser is a user or client that makes/places these orders for purchase at a client system. Hartman comprises web

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pages, which comprises information tailored to an individual user. The web pages comprise a summary description section (of item) 101, a detailed description section 104, order information 106 indicates that item 1 and item 2, which will be available in three or fewer days, have been combined into one order. The order information 107 indicates that items 3 and 4, which will not be available within one week (column 5, lines 40-47). Further, Hartman teaches a client/purchaser is assigned an identifier in order to generate the purchase order. The above recited website tailored information (summary description section 101, a detailed description section 104, etc.) of Hartman comprises a client or purchaser's own detailed description of the type of items the client or purchaser is ordering and purchasing. The ordered items are tailored to the client or purchaser's own specific needs. The ordered items again comprise detailed information. The detailed information consists of the type of elements that are being ordered or purchased by the client or purchaser. Elements 101 and 104 enable a summary description of the item, as well as a detail description of the item. Hartman teaches that the information, the tailored web page information, can be viewed by the user. Figures 1A-1C illustrates the display of a Web page for the tailored web site means having the display of information for the client or purchaser.

(B) Next, the applicant argues '...claim 1 has been amended to specify that the web page comprises data organized into a plurality of discrete sections wherein each section has a plurality of mutually exclusive subsections. Further, in the claimed invention, mutually exclusive subsections related to particular personal characteristics are selected and presented in

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response to an analysis of the user's personal characteristics so that the web page is tailored to present its content in a manner which is most interesting to users based on their individual personal characteristics.' (page 4, lines 5-12).

(B1) As previously stated in the prior Office Action, Hartman teaches a plurality of discrete sections, these discrete subsections are organized subsections. Figure 1A, element 101, is a discrete section comprising a summary description of an item and element 104 comprising a detail description of an item. Element 103 comprises mutually exclusive subsections comprising element 103a a single-action ordering button, element 103b purchaser identification subsection, and elements 103c and 103d a single-action ordering information subsections. All of the above mentioned discrete sections and sub-sections provide personal characteristics for the type of items that are ordered by a purchaser, as well as a unique description of the purchaser. Also, Figure 8 further provides the claimed personal characteristic means. Figure 8 comprises personal characteristics comprising designated fields and designated sections for the user or purchaser's name, address, etc. Figures 8A-8C comprise hierarchical data information elements.

(C) Lastly, the applicant argues 'The profile in Robertson is the type of profile that is typically inputted to a personal contact manager, because Robertson is nothing more than a networked personal contact manager. The profile in Hartman, as mentioned, includes a purchaser identifier as well as purchaser payment and shipping information. The personal characteristics which make up the profile of the claimed invention, in contrast, are selected

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from the group of age, race, sex, income and native language. (See claim 2, lines 8-9)' page 4, lines 22-26, page 5, lines 1-2.

(C1) In response to the above recited argument. Robertson also teaches the applicant's claim for personal characteristics. Specifically, claim 2 recites '...generating an information user profile having at least one user-selectable data field, said at least one user-selectable data field for identifying characteristics particular to said user, said characteristics selected from the group of age, race, sex, income and native language;' As specified in claim 2, the invention states a user profile is selected from at least one user-selectable field identifying characteristics from the group of age, race, sex, income and native language. Therefore, Robertson teaches at least one of the user-selectable field identification means comprising at least one of customer user selectable data field means, figure 6, element 440 Customer and element 440-16 Birthday. Column 10 and lines 61-64 of Robertson states information access retrieval means comprising at least one of the user-selectable field identification means, wherein the second user's birthday and birth year 634-8 are displayed only if the second user gave the first user Birthday Notification permission. Likewise, Hartman teaches at least one of the user-selectable field identification means comprising at least one of income, figure 8B, element B: Customer Financial Info and figure 8C, element B: Net Worth, Annual Income, Spouse's Annual Income, and Other Income.

Accordingly, claims 3-6 are dependent on claim 2 and these claims are rejected for the same reasons set forth above.

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Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122 (b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Hartman et al. (Pat. No. 5,960,411 filed 9/12/1997, hereinafter Hartman).

7. Regarding Claim 1, Hartman teaches a method and system for placing a purchase order via a communication network.

The method and associated system for placing a purchase order via a communication network as taught or suggested by Hartman includes:

a data file (col. 6, lines 5-16, 'The client system 220 contains a browser and its assigned client identifier. The client identifier is stored in a file, referred to as a "cookie." In one embodiment, the server system assigns and sends the client identifier to the client system once when the client system first interacts with the server system.') having a plurality of user-selectable fields (figure 1, element 101 'Summary Description of Item', element 104 'Detail

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Description of Item'), each field for describing a personal characteristic of a user (col. 9, lines 8-53, 'Figure 8A, elements A: Customer Name & Address, B: Customer Financial Info, C: Customer Employment Info; and D: Customer Education Info'); and means for automatically transmitting a data file (col. 6, lines 5-16, 'The client system 220 contains a browser and its assigned client identifier. The client identifier is stored in a file, referred to as a "cookie." In one embodiment, the server system assigns and sends the client identifier to the client system once when the client system first interacts with the server system.') upon initially accessing a web page (col. 6, lines 62-64, 'The server engine receive HTTP requests to access Web pages identified by URLs and provides the Web pages to the various client systems. '); web page portion comprising data organized into a plurality of discrete sections (col. 4, lines 5-12, Figure 1A, elements 101-104, '...Web page contains a summary description section 101, a shopping cart section 102, a single-action ordering section 103, and a detailed description section 104. '), each section having a plurality of mutually exclusive subsections (Figure 1A, elements 103-103d, col. 4, lines 35-41, 'The single-action ordering section contains a single-action ordering button 103a ('Buy item and ship to:'), purchaser identification subsection 103b (John Doe at home), and single-action ordering information subsections 103c ('Check shipping address or change 1-click settings') and 103d (Lean more about 1-click express ordering); receiving a data file (col. 6, lines 11-16, 'The client system 220 contains a browser and its assigned client identifier. The client identifier is stored in a file, referred to as a "cookie." In one embodiment, the sever system assigns and sends the client identifier to the client system

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once when the client system first interacts with the server system. '); analyzing a plurality of user-selectable fields of a data file (col. 9, lines 8-53, 'FIG. 8A illustrates an outline format of a sample form to be filled in. The same form contains various sections identified by letters A, B, C, and D. When the user selects the start button, then section A expands to include the data entry fields for the customer name and address. '); selecting one of the mutually exclusive subsections for each section in response to the analysis (col. 4, lines 4-19 & 26-54, 'This example single-action ordering section allows the purchaser to specify with a single click of a mouse button to order the described item. Once the purchaser clicks the mouse button, the item is ordered, unless the purchaser then takes some action to modify the order. '); web page presents a plurality of sections to a user of which is related one or more of the personal characteristics (col. 7, lines 5-14, 'This information may include the customer's name, a shipping address moniker selected by the purchaser (e.g., "at home"), and the last five digits of a credit card number or a nickname selected by the purchaser. ').

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a

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person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ

459 (1966), that are applied for establishing a background for determining obviousness under

35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103[©] and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (Pat. No. 6,269,369 filed 11/2/1997) and Hartman et al. (Pat. No. 5,960,411).

11. Regarding Claim 2, Robertson teaches generating an information user profile (Abstract, lines 1-7, '...users of networked clients maintain and update a set of user information which is

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stored in a relational database on a networked server. The personal contact manager system allows each user to specify on an individual basis which of their contacts are permitted to access respective datums of their user information.') having at least one user-selectable data field (col. 6, lines 58-67, 'Users can enter information in these GUI in various data fields. In the preferred embodiment, these fields include: Name 560-2, Home Address 560-4, Home Phone 560-6', etc.), a user-selectable data field for identifying characteristics particular to a user, characteristics selected from the group of age, race, sex, income and native language (col. 6, lines 58-67, 'Users can enter information in these GUI in various data fields. In the preferred embodiment, these fields include: Name 560-2, Home Address 560-4, Home Phone 560-6, Work Address 560-8, Work Phone 560-10, Birthday 560-12..', col. 10, lines 61-64, 'The second user's birthday and birth year 634-8 are displayed only if the second user gave the first user Birthday Notification permission.');

); automatically transmitting information user profile (col. 6, lines 58-67, 'Users can enter information in these GUI in various data fields. In the preferred embodiment, these fields include: Name 560-2, Home Address 560-4, Home Phone 560-6', etc..) over the Internet (col. 4, lines 27 and 28, '...in FIG. 5, the preferred embodiment follows a standard Internet architecture, in which client computers 370 and a server computer 330 are connected via the World Wide Web 360...') to the information provider upon accessing the information provider (col. 2, lines 5-40, col. 4, lines 27-41, col. 7, lines 20-27, col. 9, lines 57-67, col. 10, lines 1-53, 'The server computer system 330 runs server software 342, including the network-computer-based personal contact manager 343 of

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the present invention, which interacts with the client computers 370 and a user information database 340. In a commercial embodiment of the present invention, the personal contact manager 343 is the heart of a Web-based personal contact management service called PlanedAll.); and analyzing information user profile (col. 10, lines 1-53, 'The information in each user's personal address book is customized for that user, as described below. Each first user's personal address book contains information about each second user who has given the first user permission to view information in the second user's personal data record 636. '); for each of N discrete data streams means (col. 6, lines 58-67, 'Users can enter information in these GUI in various data fields. In the preferred embodiment, these fields include: Name 560-2, Home Address 560-4, Home Phone 560-6', Work Address 560-8, Work Phone 560-10, Birthday 560-12, High School 560-14,...') for selecting one data stream from among a plurality of mutually exclusive data streams located within each of the N discrete data streams (col. 6, lines 58-67, 'Users can enter information in these GUI in various data fields. In the preferred embodiment, these fields include: Name 560-2, Home Address 560-4, Home Phone 560-6', Work Address 560-8, Work Phone 560-10, Birthday 560-12, High School 560-14,...') and outputting selected data stream (col. 11, lines 60-67, '...the member update pseudo GUI 650 shown in FIG. 11, if one or more members has affiliated with a group with which the first user is also affiliated, a text description 650-14 will alert the first user. The name of the second user, the name of the group in which the first and second users share an affiliation...'), the selection being in response to an analysis of the received information user profile (col. 6,

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lines 6-67, col. 7, lines 1-67, 'In the data field Year of College Enrollment 560-22, the user enters the beginning date of the affiliation with the group specified in the data field College 560-20. In the data field College Graduation Year 560-24, the user enters the ending date of the affiliation with the group specified in the data field College 560-20.', col. 8, lines 30-47, 'Several types of data field permission are listed, each with a check box to the left enabling the first user to select or deselect the permission type. For example, to grant the second user 600-4 permission to view the information from the first user's personal data record indicated by the permission type denoted "Crossing Paths Notification Permission," ...').

Robertson discloses a web server comprising means for receiving an information user profile (col. 6, lines 40-67), however Robertson does not expressly teach a web page unit.

Hartman teaches a web page unit comprising means for receiving an information profile (figure 2, element 213 'Various Web pages, col. 5, lines 1-8 & 56-66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the method of Robertson with the web page unit of Hartman because Hartman's web page unit enables a server system sending to a client system an assigned client identifier and an HTML document in order to identify the client and the client's items ordered and selected through a purchasing process over the internet, wherein the web page provides a display of client identifier information and items ordered for purchase with a detailed description.

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12. Regarding Claim 3, Robertson teaches an information provider (col. 4, lines 27 and 28, '...in FIG. 5, the preferred embodiment follows a standard Internet architecture, in which client computers 370 and a server computer 330 are connected via the World Wide Web 360...', col. 2, lines 5-40, col. 4, lines 27-41, col. 7, lines 20-27, col. 9, lines 57-67, col. 10, lines 1-53, 'The server computer system 330 runs server software 342, including the network-computer-based personal contact manager 343 of the present invention, which interacts with the client computers 370 and a user information database 340. In a commercial embodiment of the present invention, the personal contact manager 343 is the heart of a Web-based personal contact management service called PlanedAll.') includes a plurality of data streams (col. 6, lines 58-67, 'Users can enter information in these GUI in various data fields. In the preferred embodiment, these fields include: Name 560-2, Home Address 560-4, Home Phone 560-6', etc.), data stream including an information identifier for identifying the type of information provided by the data stream (col. 6, lines 58-67, 'Users can enter information in these GUI in various data fields. In the preferred embodiment, these fields include: Name 560-2, Home Address 560-4, Home Phone 560-6', etc.).

13. Regarding Claim 4, Robertson teaches the data streams may be individually linked (col. 9, lines 30-47, col. 12, lines 37-44, '...FIG. 11, if a second user has initiated a link to a first user, the first user will be automatically notified 650-18 that a link has been made. For each second user that has initiated a link, the user's name 650-20 is shown.').

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14. Regarding Claim 5, Robertson teaches the content of the data stream changes on a basis set by an information provider (col. 7, lines 1-67, col. 12, lines 25-44, 'If the first user wishes to add contact information to his personal address book for any of the second users listed 650-16...In another portion of the member update pseudo GUI 650 shown in FIG. 11...').

15. Regarding Claim 6, Robertson teaches the data stream is tailored to one of the data fields (col. 6, lines 58-67, 'Users can enter information in these GUI in various data fields. In the preferred embodiment, these fields include: Name 560-2, Home Address 560-4, Home Phone 560-6', Work Address 560-8, Work Phone 560-10, Birthday 560-12, High School 560-14,...', col. 7, lines 1-67).

Name of Contact

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl Lewis whose telephone number is 703-305-8750.

The examiner can normally be reached on Mon-Thur from 6:30 to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E. Breene can be reached on 703-305-9790. The TC (technology center) for group 2100 customer service number is 703-306-5631.

The fax phone numbers for the organization where the application or proceeding is assigned are as follows:

(703) 746-7238

(After Final Communication)

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or:

(703) 746-7239 (Official Communications)

(703) 746-7240 (For Status inquiries, draft communication)

any/or:

(703) 746-5651 (Use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper/amendment be faxed directly to them on occasions.)

Any inquiry of a general nature of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Cheryl Lewis
Patent Examiner
June 16, 2003


SRIRAMA CHANNAVAJALA
PRIMARY EXAMINER